"A"

PRESERVED

39-40

App. F. IX-4

Previous References. 1939-40. (Legis)

File No. 39-40.

Serial Nos. 1

Later References.

55

GENERAL AND REVENUE SECRETARIAT

Serial Nos. are only.

A

Part ~~B~~ for August 1946.

SUBJECT

promulgation of the Advocate General (Delegation) Bill.

To the ~~Supt~~ Compiler Mysore Gazette.

No RL 4019 Legis 39-40-1 dated 4th February 1941.

I ~~am~~ orders the publication of the ~~above~~ above Bill as ~~no~~ Act No IV of 1941

Mosin
14.8.46
BVM
14/8

Serial No.

The expression "Government Advocate" is a very long standing one. References about its origin etc., are not easily traceable. There is no definition of the expression in any Act. It occurs in the Code of Criminal Procedure, 1904 (section 495) which does not however contain any enumeration of his duties or powers. It also occurs in the Rules framed by the High Court under the Contempt of Courts Act as the person who has to conduct the prosecutions under that Act. The officer's various duties are laid down in the Rules relating to the Legal Affairs of Government published by the Government.

The question of the change of name of the Government Advocate into that of Advocate-General was considered in the file placed below, but no final orders were passed therein.

Now that the designation of the Chief Court has been changed to High Court, the change of name of this office may also be favourably considered.

In Cochin this officer is called the Advocate General under the Government of Cochin Act, 1938 (section 11). But as the recent Government of Mysore Act, 1940, does not contain any provisions relating to the Judiciary, such a provision was not included.

Consistent with his ~~dutie~~ status and as expressing more fully the nature of his duties, the expression

NOTE—Contn. Sheet.

√ 2268/38

File No. of 194 | General and Revenue Secretariat. | Serial No. 8452

"Advocate General" seems preferable.

Since the expression "Government Advocate" occurs in the Code of Criminal Procedure, statutory sanction is necessary for a change in name. An Act on the lines of section 11 of the Government of Cochin Act would serve the purpose. While this will put the post on a statutory basis, his duties could be governed as hithertofore by rules ~~rules~~ framed by Government.

1st Member
Dewan

MS
30.5.40

OFFICE OF THE FIRST MEMBER OF COUNCIL
MAY 30 1940
No. 11343

PLL
31/5/40

Please put up a copy of the Act changing the designation of the Chief Court to High Court. 1/A

PLL
1/6/40

Please show above

MS
1/6

A-

3
1/6

As a Printed Copy of the Act is not readily available a typed copy of the same is submitted herewith for reference Hag A & C Copy of the Act.

Hag 'R'

Kerala
1/6

PLL
Chief Secretary

3
1/6

1st Member

MS
1/6

This would be a more suitable Name than the Cochin Act

3
3/6

PLL
3/6/40

Dewan

MS
4/6

3
4/6

Ms
4-6-40

MS
4/6

3
4/6/40

4366/640

Change of name of Government Advocate to Advocate-General

General and Revenue Secretariat | File No. | of 194 | [App. F. III–2

Serial No.	
	A draft Bill on the lines of the Mysore High Court (Designation) Act, 1930, is put up. A Statement of objects and Reasons is also submitted. The Bill will, if approved, be placed before the next sessions of the R.A. and L.C.
	16/7/40. JMW 17/7
	Law Secy) May be approved and placed before R.A.L.C.
	I Member) Hm 2 JMW 18/7
	Dewan) JMW 23/7/40
	Hm 23-7-40
	Hm 2 24/7/40. JMW 24/7
	For favour of circulation
Submitted with circulation Memo. Ba 14/9/40.	Chief Secy) MC Hm 2 13/9/40
	Signed MS 14/9
	A.D.J.N. is submitted
	Dat 17.9. JMW 17/9
1858 20/9 17/9	Law Secy) D.J.N. submitted
	I Member) Hm 2 17/9/40 JMW 17/9
	Signed J.N. is kept below
666 20/9	S.N. submitted
	Dewan) Hm 2 20/9/40 JMW 20/9

GOVT OF MYSORE — SECY. LAW DEPT. — 17 JULY 1940

GOVT OF MYSORE — CHIEF SECRETARY — JUL 19 1940 — No. 864

GOVT OF MYSORE — CHIEF SECRETARY — 633

GOVT OF MYSORE — CHIEF SECRETARY — NOTE—Contn. Sheet. — FOR THE HON'BLE MEMBER OF COUNCIL — SEP 18 1940 — No. 2724

5

For Disposal by Circulation. No. C. 134 Q 1940-41

193

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

THE ADVOCATE-GENERAL (DESIGNATION) BILL.

Circulated to the Members of Council.

By Order,

Chief Secretary to Government.

14th September 1940.

First Member of Council. (Seen)

2586
14-9-40 **Second Member of Council.** 15.9.40

Law Secy. with Compliments.

16.9.40

17/9/40

438 7

General and Revenue
Secretariat.

C.134

SUBJECT:—

The Jt Advocate (Designation) Bill

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

.....Law.....Department.

26/9/40

3084
26.9.40

FIRST MEMBER OF COUNCIL.

27/9/40

3116
27.9.40

SECOND MEMBER OF COUNCIL.

27/9

Law secy
(with Compliments)

27.9.40

NOTE.—Contn. sheet

WD 01152—GPB—750—21-12-38

28/9/40
28/9

Submitted to His Highness.

I submit herewith a Final Note by the First Member of Council on the subject of the Government Advocate (Designation) Bill for His Highness's gracious approval.

N. Madhava Rau

First Member of Council in charge of current duties of the Dewan.

Bangalore,
20th September 1940.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

The Government Advocate (Designation) Bill.

Chief Secy
MS
26-9-40

Order.

RN.
23/9/'40.

No. 162

MS
26.9.40

Advocate-General (designation) Bill. 438

General and Revenue Secretariat	File No.	of 194	[App. F. III-2

Serial No.

No previous approval of this Hon'ble Member has been accorded to proceed with the measure.

3 copies of the Statement are placed below for being circulated. They will be sent to the R.A. Office for further action.

28.9.40

28/9

R.A. Office to send 3 copies of statement for necessary action.

28/9

Copies taken

28/9

Submitted as instructed by 1st Member

30/9/40.

Law Secy.)

30/9/40

3/10/40

3
3/10

The statement of general principles ~~were~~ was placed before the R.A. during its recent session and ~~the principles~~ were accepted by the House.

~~A draft Bill is submitted for approval.~~ If the Bill approved it will be published under Rule 8 of the Rules of Business of the L.C. The statement of general principles will be adopted as the statement of objects and reasons.

As instructed ~~the~~ enactments where the expression "Government Advocate" may occur were searched for. It occurs ~~only~~ in the Code of Criminal Procedure (Section 495) and the Legislative Council and Representative Assembly Rules 1940 (Rules 179) An Act would therefore be necessary to effect the change desired. In order however to make provision for any

NOTE—Contn. Sheet.

Vb

11 Advocate finral (Change designation) Bill

3249 Bill

File No. D.1038/2-C of 194

General and Revenue Secretariat

Serial No.

enactment other than the Code of Criminal Procedure where the expression may occur, ~~in~~ a general Act appears to be desirable, instead of an amendment of the Code.

Submitted for orders.

DM 28.11.40 DMW

The Bill may be published in the Gazette, the statement of general principles being adopted as the statement of objects and reasons

MMW 27/11

Law Secy)

I Member)

Dewan)

Hm 2 29/11

MMW 29/11/40

MJ

30-11-40

Hm 2 2/12/40

MMW 2/12

7 copies of the Bill & the Statement of Objects and Reasons with the Govt & the Ld Offr for publication

2 spare copies are placed below for being initialed.

DM 2/12/40

MMW 2/12

3 copies taken and the file returned.

3.12.40

Publication Bill

DEWAN'S OFFICE 30 NOV 1940 No 3579

OFFICE OF THE FIRST MEMBER OF COUNCIL NOV-29-1940 No 5391

OFFICE OF THE SECRETARY 2 DEC 1940 REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

The Advocate General (Designation) Bill 3249/P 17

General and Revenue Secretariat | File No. D.1314/LC of 194 | [App. F. III-2

Serial No.

The Bill has been published in the Gazette of the 5th December 1940

Submitted for orders if the following motions may be got included in the Agenda for the ensuing session of the L.C

1. Motion that the Bill published under rule 8 of the Rules of Business be read in Council.
   Move 1st Member
   Secd. Law Secretary.
2. Motion that the Rules of Business and Standing Orders be suspended and the Bill taken into Consideration at once without reference to a Select Committee.
   Mov: 1st Member
   Secd: Law Secretary
3. Motion that the Bill be passed
   Mov: 1st Member
   Secd: Law Secretary.

OFFICE OF THE LEGISLATIVE COUNCIL DEC 31 1940 No. 6610

OFFICE OF THE SECRETARY 2 JAN

Sane 31/12/40 — MMV 31/12

Law Secy)

I Member)

Hm 2 31/12

MMV 31/12/40

Hm 2 31/12 MMV 2/1

L.C. office to kindly note the motions and return the file.

Sane 2/1/41

MMV. Noted & returned.

DMe 4.1.41

Section Off.

NOTE—Contn. Sheet.

18

The Advocate General (Designation) Bill

3249/p

File No. of 194 | General and Revenue Secretariat

Serial No.

The Bill was introduced in the Legislative Council at its recent session and passed it at one sitting after suspending the Rules of Business and Standing Orders for this Purpose

Submitted with a D.O. for orders.

DEWAN'S OFFICE
23 JAN 1941
NO 4818

4/22

22/1

21-1-41

Law Secy.)

D.S.N. submitted

Dewan)

22/1/41

22/1

4

Submitted to His Highness.

V

His Highness was pleased to approve on the 29th September 1940 of the proposal to place the general principles of the Advocate-General (Designation) Bill before the Representative Assembly and to introduce the Bill in the Legislative Council.

F

The statement of general principles was accordingly placed before the Representative Assembly during last Dassara session and accepted by that House. The Bill was introduced in the Legislative Council at its recent session and passed by it at one sitting, the Rules of Business and Standing Orders being suspended for this purpose.

B

G.

I solicit the gracious sanction of His Highness to promulgate the Bill.

N. Madhava Rau

First Member of Council
in charge of the current duties of the Dewan.

Camp: Mysore,
23rd January 1941.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation of the Advocate-General (Designation) Bill.

Order.

No. 478

TRW.
27/1/41.

Chief Secy
Nil
29/1/41

MS
29/1/41

7269

23

C 392

General and Revenue Secretariat.

SUBJECT:—

Promulgation of the Advocate General (Designation) Bill

Circulated to Members of Council for perusal of His Highness, orders before/~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

.....Law.....Department. 30/1/41

FIRST MEMBER OF COUNCIL. (Seen)

SECOND MEMBER OF COUNCIL. 31/

7865
30.1.41

Law Secy with Compliments

31/1/41

31/1/41

31/1

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

NOTE.—Contn. sheet

WD 01183—GPB—500—16-10-40

re Advocate General (Delegation) Act

3.

General and Revenue Secretariat	File No. 39 of 1940.	[App. F. III-2

Serial No.

The previous sanction of His Highness was accorded on the 27th January 1941 to promulgate the Bill into law.

A draft G.O. directing publication of the Act as Act IV of 1941 is put up for approval.

1.2.41

Law Secy.)

3/2/41

5453-1/2

LEGISLATION BRANCH No..... Date..... GEN. & REV. SECRETARIAT

The file will be recorded if approved

13/8/46

NOTE—Contn. Sheet.

Govt Advocate (
is a very old designat

No references
about any change
of designation.

The Bo. Indra
position may
be exam-

Please see
cr P.C (Old Edition
or any modified

Serial No.

2) In Mysore, the Government Advocate is appointed by Government. His duties are mainly to appear for Government in all Criminal Appeals or Revision petitions before the High Court and also to appear in the Sessions Court in the Civil appeals and Revision petitions wherein Govt are a party; he has also to advise the Govt in such important legal matters as may be referred to him. The Salary of the Govt Advocate is Rs 700/- a month, and he is entitled to separate fee for civil work done on behalf of Govt; he is also allowed to have private practice except in cases where the interests of private clients are adverse to Govt (For more details see pages 4 to 6 of the Manual relating to the Conduct of the Legal Affairs of Govt)

3) In all the British Indian Provinces, the Advocate-General is appointed under Section 55 (1) of the Government of India Act 1935, and under sub section (2) his duties are assigned by the Governor. He holds

NOTE—Contn. Sheet.

WD 0417--GPB—30,000-8-9-36

Serial No.

his appointment coming on the recommendation of the Governor and receives such remuneration as the Governor may determine.

(4) Regarding the duties to be performed by the Advocate-General, the said duties vary from province to province, depending upon the number and nature of other law officers employed by the Govts of those provinces. In Punjab and Burma he is a whole time servant of Government and is not allowed to engage in private practice. In other provinces however, he is allowed to have private practice except in cases where the interests of private clients are adverse to Government. The remuneration and the basis of payment also vary from province to province eg. in Assam he is paid a retainer of Rs 250/- a month, and separate payments are made for appearance in the High Court & other Courts.

Serial No.

in Burma, his salary is Rs 3000/- a month without any other fee; in United Provinces, he gets a fixed salary of Rs 500/- a month and separate payment for work in Federal Court, High Court etc.; in Punjab he gets a fixed salary of Rs 2500/- per month and also fees on fixed scales for Civil and Criminal cases on behalf of Govt. In Central Provinces, he gets a salary ~~fee~~ of Rs 2250/- a month and is not entitled ~~to~~ any Case fee

5) The question now for Consideration is whether, having regard to the nature of the duties of the Govt Advocate it is not desirable to change the designation to that of 'Advocate-General' as obtaining in British Indian Provinces. Or is found on inquiry that there is no previous reference bearing on the subject of the making the above change in the designation of the office.

6) Or is it for ~~make~~ ascertained that the question of having an Advocate-General for the State is engaging the attention of the Committee

NOTE—Contn. Sheet.

WD 0417--GPB—30,000—8-9-36

IX ?

Change of designation of the Govt Advocate into Advocate-General

345 √ 22 56 f38

File No. Law of 193 · General and Revenue Sécretariat

Serial No.

Constituted to recommend further Constitutional reforms

7) The question of the change of designation of the officer in question may perhaps be deferred till the recommendations of the Constitutional Reforms Committee are received.

BKR 31.1.39

Addl Secy

8) We may await the Reforms Committee Report

(& Returned) C 31/1/39

BKR 31.1.39

3/2/39

BKR 4.2

91 took a lot of time to collect the Rules in force in various provinces in Portn India and consequently there was great delay in working up the file. I very much regret the delay BKR 31.1.39

OFFICE OF THE ... FEB 1 1939 No 6136

Rules of Madras Govt have been taken out and sent to G.A. with No B/4352 dated 13-2-39 copies retained 28/2/39 Sec B

5-x

2256/38.

General and Revenue Secretariat	File No.	of 193	[App. F. III—2

Serial No.

A copy of the report of the Committee on constitutional Reforms in Mysore (1939) is put up for reference. It does not seem to contain any reference regarding the matter of the change of designation of the Govt. Advocate into Advocate General. (Mind refer Rule 4/12 Copy is invited to para 23 of the Report which is annexed to put up.)

As for the Secretary of the Law Secretary this may perhaps be kept in abeyance for some time.

3
14/7/40

Ans. C

WD 0544—GPB—30,000—2-9-38

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue 10.8.38

Signed by Mr. B.K.R

Law Secs.

List of enclosures.....

Copied by .....

Examined by.....

Section

File No.

Serial No.

No. Rol 204

To The Secy to the Govt. of Madras Law Revenue

Sir,

I am directed to request you to be so good as to obtain for the information of Govt. the Mysore Govt., if there is no objection, a copy of the rules of the Madras Govt. laying down the functions and duties of the several law officers of that Govt.

I am etc.

for Secy

Appendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No.

Serial No.

Diary No. of letter replied to .....

No. Rol458

To

The Secretary to the
Hon'ble The Resident in Mysore
Bangalore.

General and Revenue Secretariat

( )

the *193*

Date of issue 17.12.38

Signed by Mr. A.S.R

Sir,

I am directed to with thanks acknowledge the Receipt of the copy of Rules relating to the functions and duties of the Law officers under the Govt of Madras, sent with your letter no. D. 9906—38/R.O.1, dated 11th October 1938.

I have etc.

RKR

For Addl Secy.

TYPING SECTION 14 DEC 193 CHECKED

List of enclosures.....

Copied by.....

Examined by.....

WD 0278—GPB—30,000—4-3-38

13 ?

Pol 458

15th October 1938.
17

C.Subrahmanya Iyer, Esq., B.A., B.L.,
Additional

Sir,

I am directed to acknowledge with thanks the receipt of the copy of rules relating to the functions and duties of the Law Officers under the Government of Madras, sent with your letter No.D.9906-38/R.O.I dated 11th October 1938.

I have the honour to be,
Sir,
Your most obedient servant,

for Additional Secretary to Government.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 9th August 193 8

No. Pol 204 / 10⁴

From

The Addl. *Secretary to the Government of His Highness the Maharaja of Mysore*

To

The Secretary to the Hon'ble the Resident
in Mysore, BANGALORE.

Sir,

I am directed to request you to be so good as to obtain for the information of the Mysore Government if there is no objections a copy of the rules of the Madras Government laying down the functions and duties of the several law officers of that Government.

I have the honor to be,
Sir,
Your most obedient servant,

BKR

For Additional Secretary to Government.

SR/2

15

This refers to the file relating to the change of designation of the "Govt. Advocate" to that of "Advocate General". That file is before the Assistant Secretary. The Residency letter and its enclosures are submitted for perusal.

A draft acknowledging is put up.

14/10

14.10

2256/38 Col 598

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

Dis. No. ~~F.D.~~ 9906-38 Lnd.-II-S.
R.O. - I.

17

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.

Dated Bangalore, the 11th October 1938.

Rules regarding the functions and duties of Law Officers under the Government of Madras.

SIR,

With reference to your letter No.Pol. 204, dated the 10th August 1938, I am directed to forward a copy of the rules received from the Government of Madras relating to the functions and duties of the Law Officers under that Government.

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

avoided if the return made had been accepted as correct.

Appeals.

18. (1) Any person aggrieved by a decision made in pursuance of Section 8 or Section 10, or objecting to the amount of excess profits tax for which he is liable as assessed by the excess profits tax officer or denying his liability to be assessed under this Act, or objecting to any penalty imposed by the Excess Profits Tax Officer, or to the amount of any deficiency of profits as assessed by the Excess Profits Tax Officer or to the amount allowed by the Excess Profits Officer by way of relief under any provision of this Act or to any refusal by the Excess Profits Tax Officer to grant relief may appeal to the Commissioner:

Provided that no appeal shall lie against a determination of the amount of the profits of any standard period where those profits have been determined in accordance with the second proviso to Rule 1 of the first schedule except in respect of adjustments made under the provisions of that schedule.

Provided further that no appeal shall lie under this section against any apportionment made by the Excess Profits Tax Officer under the proviso to sub section (5) of section 8, against any refusal to make modifications or

against any modifications made by the Excess Profits Tax Officer under sub section (8) of Section 8, or against any decision of the Excess Profits Tax Officer under rule 10 of the first schedule.

(2) An appeal shall ordinarily be presented within forty-five days of receipt of the notice of demand relating to the assessment or penalty objected to, or in the case of an appeal against the assessment of a deficiency of profits within forty-five days of the receipt of the copy of the order determining the deficiency, or in the case of an appeal against the amount of a relief granted or a refusal to grant relief, within forty-five days of receipt of intimation of the order granting or refusing to grant the relief, but the Commissioner may admit an appeal after the expiration of that period if he is satisfied that the applicant had sufficient cause for not presenting it within that period.

(3) An appeal shall be in the prescribed form and shall be verified in the prescribed manner.

(4) The Commissioner shall hear and determine the appeal and, subject to the provisions of this Act, shall pass such orders as he thinks fit, and such orders may include an order enhancing the assessment or a penalty:

Provided that an order enhancing an assessment or penalty shall not be made unless the person affected thereby has been given a reasonable opportunity of showing cause against such enhancement.

ıwer to call for ıd examine the ecords of pro- eedings of Excess rofits Tax Autho- ities.

19. The Government may call for and examine the records of the proceedings of any Excess Profits Tax Authority for the purpose of satisfying themselves as to the legality or propriety of any decision or order passed and as to the regularity of the proceeding of such authority. If in any case it shall appear to the Government that any decision or order or proceedings of such authority should be modified, annulled or reversed, the Government may pass such orders, not inconsistent with this Act, as they deem fit.

Provided that no order prejudicial to any person to whose business this Act applies shall be passed without hearing him, or giving a reasonable opportunity of being heard.

Rectification of mistakes.

20. The Commissioner may, at any time within three years from the date of any order passed whether by himself or by any Excess Profits Tax Officer under this Act, rectify any mistakes in any evidence recorded during assessment or appellate proceedings, or any mistake apparent from the record and shall within the like period rectify any mistake apparent from the record which has been brought to his notice by a person to whose business this Act applies:

Provided that no such rectification shall be made having the effect of enhancing the liability of any person unless that person has been given a reasonable opportunity of being heard.

21. The provisions of Sections 10, 13, 29, 36 to 44 (inclusive), 45 to 46 (inclusive), 50, 54, 61 to 63 (inclusive) and 65 to 67 (inclusive) of the Mysore Income-tax Act, 1923, shall apply with such modification, if any, as may be prescribed, as if the said provisions were provisions of this Act and referred to excess profits tax instead of to income-tax:

Application of provisions of Act V of 1923.

Provided that references in the said provisions to the assessee shall be construed as references to a person to whose business this Act applies.

22. (1) Notwithstanding anything contained in the Mysore Income-tax Act, 1923, all information contained in any statement or return made or furnished under the provisions of that Act or obtained or collected for the purposes of that Act may be used for the purposes of this Act.

Income-tax pape to be available for the purpose of this Act.

(2) All information contained in any statement or return made or furnished under the provisions of this Act or obtained or collected for the purposes of this Act may be used for the purposes of the Mysore Income-Act, 1923

23. If any person fails, without reasonable cause or excuse, to furnish in due time any return or statement, or to produce, or cause to be produced, any accounts or documents required to be produced under Section 13 he shall on conviction by a Magistrate be punishable with fine which may extend to five hundred rupees, and with a further fine which may extend to fifty rupees for every day during which ~~period~~ the default continues.

Failure to del returns or sta ments.

lse statement
l declaration.

24. If a person makes in any return required under Section 13 any statement which is false, and which he either knows or believes to be false, or does not believe to be true, he shall be punishable on conviction by a Magistrate with simple imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

tution of
edings and
sition of
ces.

25. (1) A person shall not be proceeded against for an offence under Section 23 or Section 24 except at the instance of the Commissioner.

(2) No prosecution ~~under Section 23 or~~ for an offence punishable under Section 23 or Section 24 or under the Indian Penal Code shall be instituted in respect of the same facts as those in respect of which a penalty has been imposed under this Act.

(3) The Commissioner may either before or after the institution of proceedings, compound any offence punishable under Section 23 or Section 24.

Government
relief in
ases.

26. (1) If on an application made to them through the Excess Profits Tax Officer the Government are satisfied in the case of any business that special circumstances exist which render it inequitable that the standard profits of the business in relation to any chargeable accounting period should be computed in accordance with the provisions of sub-section (1) of Section 6, the Government may direct that the standard profits of the business shall be computed to be such greater amount as the Government may think just.

Provided that such amount shall not exceed the statutory percentage of the sverage amount of the capital employed in the bisiness unless the Government are satisfied that owing to some specific cause peculiar to the business it is just that a greater amount should be allowed.

Provided further that a determination on an application under this sub-section

(a) shall have effect with respect to all subsequent chargeable accounting periods;

(b) shall exclude any further application under this sub-section.

(2) Without prejudice to the generality of the provisions of sub-section (1) the Government shall, in considering the making of a direction under that sub-section, have regard to the following circumstances, namely:-

(a) that the capital employed in a business commenced on or after the 1st day of July 1938, is so small in relation to the volume of the activities of the business that to compute the standard profits in accordance with the provisions of Section 6 would be inequitable, taking into account the normal profits made in similar business;

(b) that owing to the nature of the business heavy expenditure by way of preliminary expenses or expenses in connection with experimental or development work has been incurred in accounting periods closely preceding the chargeable accounting period and that during the chargeable accounting period such expenditure would normally fall

to be written off wholly or partly in the books of the person chargeable to excess profits tax;

(c) that the business is of a pioneer nature, that is to say, is concerned with an industrial process or a form of manufacture or production not undertaken in Mysore before the 1st day of July 1932, and has not been in existence long enough to have paid income-tax for the income-tax assessment for the year beginning on the 1st day of July 1937.

(3) If on an application made to them through the Excess Profits Tax Officer the Government are satisfied that the computation in accordance with the provisions of Schedule I of the profits of a business during any chargeable accounting period would be inequitable, owing to any of the following circumstances, namely -

(a) any postponement or suspension, as consequence of the present hostilities of renewals or repairs, or

(b) the provision of buildings, plant or machinery which will not be required for the purposes of the business after the termination of the present hostilities,

the Government may direct that such allowances shall be made in computing the profits of the business during that chargeable accounting period as they think just:

Provided that in making such direction the Government may impose such conditions as they deem appropriate.

(4) An application to the Government under this section shall be presented to the Excess Profits Tax Officer before the expiry of the period specified in the notice issued under sub-section (1) of Section 13 or of the extended period allowed by the Excess Profits Tax Officer under the proviso to that sub-section.

Power to make rules.

27. (1) The Government may make rules for carrying out the purposes of this Act.-

(2) Without prejudice to the generality of the foregoing power, such rules may -

(a) prescribe the procedure to be followed on appeals, applications for rectification of mistakes, and applications for refunds;

(b) provide for the adaptation to excess profits tax of any of the provisions of the Mysore Income-tax Act, 1923, which are made applicable to excess profits tax by Section 21, or of any rules made under any such provision;

(c) provide in regard to companies whose business consists wholly or mainly in the dealing in or holding of investments for the granting of exemption or relief from liability to excess profits tax of profits derived from investments in other companies the profits of which have been subjected to excess profits tax in Mysore;

(d) provide for any matter which by, or under, this Act is to be prescribed.

(3) The power to make rules conferred by this section shall be exercised in like manner as the power to make rules under Section 59 of the Mysore Income-tax Act, 1923.-

Schedule I.

(See Section 2 (13))

Rules for the computation of profits for purposes of excess profits tax.

1. The profits of a business during the standard period, or during any chargeable accounting period, shall be separately computed; and shall, subject to the provisions of this schedule, be computed on the principles on which the profits of a business are computed for the purposes of income-tax under Section 10 of the Mysore Income-tax Act, 1923.

Provided that where the profits during any standard period have already been determined for the purpose of an assessment under the Mysore Income-tax Act, 1923, such profits as so determined shall, subject to the adjustments required by this schedule, be taken as the profits during that period for the purpose of excess profits tax:

Provided further that where a standard period or chargeable accounting period is not an accounting period, the profits or losses of the business during any accounting periods wholly or partly included within the standard period or chargeable accounting period shall be so computed as aforesaid, and such division and apportionment to specific periods of those profits or losses and such aggregation of those profits and losses, or any apportioned part thereof shall be made as appears necessary to arrive at the profit during the standard period or chargeable accounting period: and any such apportionment shall be made in proportion to the number of months or fractions of months in the respective periods unless the Excess Profits Tax Officer, having regard to any special circumstances, otherwise directs.

2. (1) The principle of adding the allowance for ~~depesition~~ depreciation for any period to the allowance for depreciation for any subsequent period and deeming it to be part of the allowance for such subsequent period shall not be followed.

(2) No allowance shall be made for any loss other than a loss sustained in a business to which this Act applies.

3. (1) Income received from investments shall be included in the profits in the cases and to the extent provided in sub-rules (2) and (5) of this rule and not otherwise.

(2) In the case of the business of a building society, or of a money lending business, banking business, insurance business or business consisting wholly or mainly in the dealing in or holding of investments, the profits shall include all income received from investments, whether or not such income is included in the profits charged under Section 10 of the Mysore Income-tax Act, 1923, or is charged under any other section of that Act, or has been subjected to reduction of tax at source or is free of or exempt from income-tax

(3) In the case of a business part of which consists in banking, insurance or dealing in investments, not being a business to which sub-rule (2) of this rule applies, the profits shall include all income received from investments held for the purposes of that part of the business, being income to which the persons carrying on the business are beneficially entitled.

REPLY

(*To be written on this margin.*)

OFFICE OF THE
FIRST MEMBER OF COUNCIL
JUL 12 1938
No. 460

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OFFICE OF THE
FIRST MEMBER OF COUNCIL

NOTE

Dated 12th July, *193* 8.

The Chief Justice mentioned to me that it is desirable to change the designation of 'Government Advocate' to that of 'Advocate-General', as the latter would express the nature of his duties more fully. I shall be glad if the suggestion is examined, especially with reference to any previous reference on the subject.

GENERAL SECRETARY)
WITH COMPLIMENTS.)

6/1937

The Advocate General (Designation) Bill. 33

Statement of Objects and Reasons.

In 1930, the designation of the Mysore Chief Court was changed by Act XII of 1930 to the Mysore High Court. The designation of the Chief Judge was similarly changed to Chief Justice by that Act.

In keeping with the new designation of ~~this~~ The highest Court of the State and ~~as~~ for more accurately describing the nature of his duties, it is considered desirable to change the designation of "Government Advocate" to "Advocate General".

This Bill is intended to effectuate this change of ~~name~~. Designation

17/7

35

The Advocate-General (Designation) Bill.

WHEREAS it is expedient to change the designation of the Government Advocate in Mysore;

It is hereby enacted as follows:-

Short title and Commencement

1 (a) This Act may be called the Advocate General (Designation) Act, 19

(b) It shall come into force at once.

Change of designation of Govt Advocate.

2. For the words "Government Advocate" wherever they occur in any Regulation, Act or other law for the time being in force, or any Rules, Order or Notification made under any such Regulation, Act or other law, the words "Advocate General" shall be substituted.

JNW 14/7

ORW 23/7

ACT XII OF 1930.

(Received the assent of His Highness the Maharaja on the 19th day of April 1930.)

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MYSORE HIGH COURT (DESIGNATION) ACT,1930.

WHEREAS it is expedient to change the designation of the Chief Court of Mysore as constituted under the Mysore Chief Court Act,1884; It is hereby enacted as follows:-

Short title & commencement.

1 (1) This Act may be called the Mysore High Court (Designation) Act,1930.

(2) It shall come into force at once.

Change of designation of Chief Court & Chief Judge.

2. For the words, "Chief Court of Mysore", "Chief Court" and "Chief Judge" wherever they occur in any Regulation, Act or other law for the time being in force, the words "High Court of Mysore " High Court" and "Chief Justice" respectively shall be substituted.

ಮೈಸೂರು ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆ

ದಸರಾ ಅಧಿವೇಶನ—ಅಕ್ಟೋಬರ್ 1940

ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಯವರ ಅಭಿಪ್ರಾಯಕ್ಕಾಗಿ ಒಪ್ಪಿಸತಕ್ಕ ಸರ್ಕಾರಿ ಕಾರ್ಯಕಲಾಪಗಳ ವಿವರ.

II

5. ಅಡ್ವೋಕೇಟ್-ಜನರಲ್ (ಹುದ್ದೆಯ ಅಭಿಧಾನದ) ಮಸೂದಾಕಾನೂನಿನ ಸಾಮಾನ್ಯ ನಿಯಮಗಳ ವಿವರಣೆ.

1930ನೆಯ ಇಸವಿಯಲ್ಲಿ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಚೀಫ್ ಕೋರ್ಟಿನ ಹೆಸರನ್ನು ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಹೈಕೋರ್ಟು ಎಂಬುದಾಗಿ ಬದಲಾಯಿಸುವ ಒಂದು ಕಾನೂನು ಏರ್ಪಾಡಾಯಿತು. ಅದೇ 1930ನೆಯ ಇಸವಿಯ XIIನೆಯ ನಂಬರಿನ ಆಕ್ಟು. ಆ ಆಕ್ಟಿನ ಮೂಲಕ, ಚೀಫ್ ಜಡ್ಜಿಯವರ ಹುದ್ದೆಯ ಹೆಸರನ್ನೂ ಸಹ 'ಚೀಫ್ ಜಸ್ಟಿಸ್' ಎಂಬುದಾಗಿ ಬದಲಾಯಿಸಲಾಯಿತು.

ಸಂಸ್ಥಾನದಲ್ಲೆಲ್ಲಾ ಅತ್ಯಂತ ಮೇಲ್ಪಟ್ಟ ನ್ಯಾಯಸ್ಥಾನವಾದ ಚೀಫ್ ಕೋರ್ಟಿನ ಹೆಸರನ್ನು ಆ ರೀತಿ ಬದಲಾಯಿಸಿ "ಹೈ ಕೋರ್ಟ್" ಎಂಬ ಹೊಸ ಹೆಸರಿನಿಂದ ಕರೆದಿರುವುದು ಸರಿಯಷ್ಟೆ. ಅದಕ್ಕನುಗುಣವಾಗಿ "ಗವರ್ನ್‌ಮೆಂಟ್ ಅಡ್ವೋಕೇಟ್" ಎಂಬ ಅಧಿಕಾರಿಯವರ (ಸರ್ಕಾರದ ಅಡ್ವೋಕೇಟರ) ಹುದ್ದೆಯ ಹೆಸರನ್ನು "ಅಡ್ವೋಕೇಟ್-ಜನರಲ್" ಎಂಬುದಾಗಿ ಬದಲಾಯಿಸುವುದು ಯುಕ್ತವೆಂದು ಭಾವಿಸಲಾಗಿದೆ. ಈ ಬದಲಾವಣೆಯಿಂದ ಸರ್ಕಾರಿ ಅಡ್ವೋಕೇಟರ ಕರ್ತವ್ಯಗಳನ್ನೂ ಸಹ ಮತ್ತಷ್ಟು ಕರಾರ್ವಾಕಾಗಿ ವಿವರಿಸಿ ತಿಳಿಸಿದಂತಾಗುವುದು.

ಈ ಬದಲಾವಣೆಯನ್ನು ಮಾಡುವುದಕ್ಕೆ ತಕ್ಕ ನಿಯಮವನ್ನೇರ್ಪಡಿಸುವುದೇ ಈ ಮಸೂದಾ ಕಾನೂನಿನ ಉದ್ದೇಶ.

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6. ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ರಬ್ಬರಿನ ಹತೋಟಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಮಸೂದಾ ಕಾನೂನಿನ ಸಾಮಾನ್ಯ ನಿಯಮಗಳ ವಿವರಣೆ.

ಹಿಂದೆ ರಬ್ಬರಿನ ಧಾರಣೆಯು ಮಿತಿಮೀರಿ ಇಳಿದು ಹೋಯಿತು. ಆದುದರಿಂದ, ರಬ್ಬರು ವ್ಯವಸಾಯಗಾರರಿಗೆ ನಷ್ಟವುಂಟಾಗಿ ಅವರು ತೊಂದರೆ ಪಡುವ ಸ್ಥಿತಿಯುಂಟಾಯಿತು. ರಬ್ಬರನ್ನು ರಫ್ತು ಮಾಡುವುದು, ರಬ್ಬರನ್ನು ತಯಾರು ಮಾಡುವುದು, ರಬ್ಬರನ್ನು ದಾಸ್ತಾನು ಮಾಡುವುದು—ಇವುಗಳ ವಿಷಯದಲ್ಲಿ ತಕ್ಕಂತೆ ಏರ್ಪಾಡುಮಾಡಿ ಈ ತೊಂದರೆಗಳನ್ನು ಹೋಗಲಾಡಿಸುವುದಕ್ಕಾಗಿ, ಪ್ರಪಂಚದಲ್ಲಿ ರಬ್ಬರು ಹೆಚ್ಚಾಗಿ ಉತ್ಪತ್ತಿಯಾಗುವ ಮುಖ್ಯ ಮುಖ್ಯವಾದ ದೇಶಗಳಲ್ಲಿರತಕ್ಕ ರಬ್ಬರು ವ್ಯವಸಾಯಗಾರರ ಪ್ರತಿನಿಧಿಗಳು ಪರಸ್ಪರ ಸಮ್ಮತಿಯಿಂದ ಒಂದು ಅಂತರ ರಾಷ್ಟ್ರೀಯ ವ್ಯವಸ್ಥೆಯ ಏರ್ಪಾಡನ್ನು 1934ನೆಯ ಇಸವಿಯಲ್ಲಿ ರಚಿಸಿ ಒಂದು ಕಟ್ಟುಪಾಡನ್ನು ಮಾಡಿಕೊಂಡರು. ಈರೀತಿ ನಡೆದ ಒಪ್ಪಂದದ ಏರ್ಪಾಡಿಗೆ ಇಂಡಿಯಾ ಸರ್ಕಾರದವರು ಸಮ್ಮತಿಸಿದರು. ಇದರಿಂದ ಅವರೂ ಅದೇ ವ್ಯವಸ್ಥೆಯ ಏರ್ಪಾಡನ್ನು ಜಾರಿಗೆ ತರುವುದಕ್ಕಾಗಿ ಒಂದು ಕಾನೂನನ್ನು ಮಂಜೂರ್ಮಾಡಬೇಕಾಯಿತು. ಅದಕ್ಕನುಸಾರವಾಗಿ 1934ನೆಯ ಇಸವಿಯಲ್ಲಿ ರಬ್ಬರಿನ ಹತೋಟಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಒಂದು ಆಕ್ಟು ವಿಧಾಯಕವಾಯಿತು. ಅದೇ, 1934ನೆಯ ಇಸವಿಯ ಇಂಡಿಯಾದ ರಬ್ಬರು ಹತೋಟಿ ಆಕ್ಟು ("ಇಂಡಿಯನ್ ರಬ್ಬರ್ ಕಂಟ್ರೋಲ್ ಆಕ್ಟು").

ಆ ಆಕ್ಟಿನ ಅವಧಿಯೂ ಮತ್ತು 1934ನೆಯ ಇಸವಿಯ ಅಂತರರಾಷ್ಟ್ರೀಯ ವ್ಯವಸ್ಥೆಯ ಏರ್ಪಾಡಿನ ಅವಧಿಯೂ 1938ನೆಯ ಇಸವಿ ಡಿಸೆಂಬರ್ 31ನೆಯ ತಾರೀಖಿಗೆ ಮುಗಿಯುವುದಾಗಿದ್ದಿತು. ಆದರೆ, ಆ ಏರ್ಪಾಡು ದೇಶಕ್ಕೆ ಪ್ರಯೋಜನಕರವೆಂದು ಕಂಡುಬಂದ ಕಾರಣ, ಪುನಃ ಬೇರೊಂದು ತಿದ್ದುಪಾಟು ಕರಾರು ಒಪ್ಪಂದದ ಏರ್ಪಾಡು ನಡೆಯಿತು. ಅದು 1939ನೆಯ ಇಸವಿ ಜನವರಿ 1ನೆಯ ತಾರೀಖಿನಿಂದ 5 ವರ್ಷಗಳವರೆಗೆ ನಡೆದು ಬರಬೇಕೆಂದು ತಿದ್ದುಪಡಿ ಕರಾರು ಒಪ್ಪಂದವು ನಡೆಯಿತು. ಈ ರೀತಿ ಹೊಸದಾಗಿ ಮಾಡಿಕೊಂಡ ಕರಾರು ಒಪ್ಪಂದದ ಪರಿಣಾಮವಾಗಿ ಕಾನೂನಿನಲ್ಲಿ ಕೆಲವು ಬದಲಾವಣೆಗಳು ಆಗಬೇಕಾದುದು ಆವಶ್ಯಕವಾಯಿತು. ಆ ಬದಲಾವಣೆಗಳನ್ನು ಕಾನೂನಿನಲ್ಲಿ ಸೇರಿಸಿ ಆಚರಣೆಗೆ ತರುವುದೊಂದು; ಮತ್ತು ಹೊಸದಾಗಿ ನಡೆದ ಕರಾರು ಒಪ್ಪಂದವು ನಲುವಳಿಯಲ್ಲಿರುವಂತೆ ಗೊತ್ತಾಗಿರತಕ್ಕ ಕನಿಷ್ಠ ಪಕ್ಷದ ಅವಧಿಯಲ್ಲಿ ಸಹ ಆಕ್ಟು ಜಾರಿಯಲ್ಲಿರುವಂತೆ ಮಾಡುವುದೊಂದು ಇವೆರಡು ಉದ್ದೇಶಗಳಿಂದ ಬ್ರಿಟಿಷ್ ಇಂಡಿಯಾದೇಶದಲ್ಲಿ ತಿದ್ದುಪಡಿ ಕಾನೂನೊಂದು ಏರ್ಪಟ್ಟು ಮಂಜೂರಾಯಿತು.

ಮೇಲೆ ಸೂಚಿಸಿದ ಅಂತರರಾಷ್ಟ್ರೀಯ ವ್ಯವಸ್ಥೆಯ ಏರ್ಪಾಡಿಗನುಸಾರವಾಗಿ, ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ರಬ್ಬರಿನ ಸಾಗುವಳಿಯು ಈಗಿರುವುದಕ್ಕಿಂತ ಇನ್ನೂ ಹೆಚ್ಚಾಗಿ ನಡೆಯದಂತೆ ನಿಷೇಧಿಸಬೇಕೆಂಬುದಾಗಿ ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ರಬ್ಬರು ಬೆಳೆಯಬಹುದಾದ ಜಮೀನಿನ ಹೆಡುವಳಿದಾರರುಗಳು ಸರ್ಕಾರದವರನ್ನು ಪ್ರಾರ್ಥಿಸಿಕೊಂಡರು. ಅವರ ಆ ಕೋರಿಕೆಗನುಸಾರವಾಗಿ ಸರ್ಕಾರದವರು 1939ನೆಯ ಇಸವಿ ಜೂನ್ ತಿಂಗಳಿನಲ್ಲಿ ಒಂದು ಇಸ್ತಿಹಾರ್ನಾಮೆಯನ್ನು ಸಾದರುಮಾಡಿದರು; ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಹೊಸದಾಗಿ ರಬ್ಬರು ವ್ಯವಸಾಯದ ಬಡಾವಣೆ ಮಾಡುವುದನ್ನು ನಿಷೇಧಿಸಿ ಆ ಇಸ್ತಿಹಾರ್ನಾಮೆಯಲ್ಲಿ ಅಪ್ಪಣೆ ಮಾಡಿದ್ದರು.

ಆದಾಗ್ಯೂ, ರಬ್ಬರು ವ್ಯವಸಾಯವನ್ನು ನಡೆಯಿಸುವುದಕ್ಕಾಗಿ ಬ್ರಿಟಿಷ್ ಇಂಡಿಯಾದಲ್ಲಿ ಅಥವಾ ಬೇರೊಂದು ಭಾರತೀಯ ಸಂಸ್ಥಾನದಲ್ಲಿ ಪಡೆದ ಲೈಸೆನ್ಸನ್ನು, ಮೈಸೂರು ಸಂಸ್ಥಾನಕ್ಕೆ ಅನ್ವಯಿಸುವಂತಾಗಲಿ ಅಥವಾ ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಪಡೆದ ಲೈಸೆನ್ಸು ಬ್ರಿಟಿಷ್ ಇಂಡಿಯಾ ಪ್ರಾಂತಗಳಿಗೆ ಅಥವಾ ಬೇರೊಂದು ಭಾರತೀಯ ಸಂಸ್ಥಾನಕ್ಕೆ ಅನ್ವಯಿಸುವಂತಾಗಲಿ ಲೈಸೆನ್ಸುಗಳ ವರ್ಗಾವಣೆಯನ್ನು ಮಾಡುವುದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಕೆಲವು ನಿಯಮಗಳೂ ಸಹ, ಮೇಲೆ ಸೂಚಿಸಿರತಕ್ಕ ಹೊಸ ತಿದ್ದುಪಾಟು ಕರಾರು ಒಪ್ಪಂದದಲ್ಲಿ ವಿಧಾಯಕವಾಗಿವೆ. ಅವುಗಳ ಪ್ರಯೋಜನವು ಲಭಿಸುವಂತೆ ಮಾಡಿಕೊಳ್ಳಬೇಕಾದರೆ, ಒಂದು ಕಾನೂನನ್ನು ರಚಿಸಬೇಕಾದುದು ಆವಶ್ಯಕ. ಅದೇ ಉದ್ದೇಶದಿಂದ ಈಗ ಮಸೂದಾ ಕಾನೂನು ಏರ್ಪಟ್ಟಿದೆ.

ಈ ಮಸೂದಾ ಕಾನೂನು ಬಹು ಮಟ್ಟಿಗೆ ಇಂಡಿಯಾದ ರಬ್ಬರು ಹತೋಟಿ ಆಕ್ಟ್ (''ಇಂಡಿಯನ್ ರಬ್ಬರ್ ಕಂಟ್ರೋಲ್ ಆಕ್ಟ್'') ಮಾದರಿಯಲ್ಲೇ ಇರುವಂತೆ ರಚಿತವಾಗಿದೆ.

ಬೆಂಗಳೂರು,
28ನೆಯ ಸೆಪ್ಟೆಂಬರ್ 1940

ಎಚ್. ವಿ. ನಾರಾಯಣರಾವ್,
ಮೈಸೂರು ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಯ ಸೆಕ್ರೆಟರಿ.

WD 490—GPB—450—29-9-40

The Mysore Representative Assembly.

DASARA SESSION—OCTOBER 1940.

STATEMENT OF GOVERNMENT BUSINESS TO BE PLACED BEFORE THE REPRESENTATIVE ASSEMBLY.

II

5. Statement of the General Principles of the Advocate-General (Designation) Bill.

In 1930, the designation of the Mysore Chief Court was changed by Act XII of 1930 to the Mysore High Court. The designation of the Chief Judge was similarly changed to Chief Justice by that Act.

In keeping with the new designation of the highest Court of the State and for describing more accurately the nature of his duties, it is considered desirable to change the designation of "Government Advocate" to "Advocate-General."

This Bill is intended to effectuate this change of designation.

6. Statement of the General Principles of the Mysore Rubber Control Bill.

In 1934, representatives of the rubber interests in the main rubber producing countries formulated an international scheme for the restriction of the export, production and stocks of rubber to meet the difficulties consequent on the catastrophic fall in prices. By virtue of their accession to this Agreement, the Government of India were committed to give legislative sanction to the scheme and accordingly enacted the Indian Rubber Control Act, 1934.

This Act and the International Agreement of 1934 were due to expire on the 31st December 1938. As the scheme was, however, found beneficial to the country, a revised Agreement was entered into for a further period of five years from 1st January 1939. To give effect to certain legislative changes involved in the new Agreement and to extend the Act during the minimum period of the Agreement an amending Act has been passed in British India.

The holders of land in Mysore on which rubber can be grown approached Government with a request that the further extension of rubber cultivation in Mysore might be prohibited in conformity with the international scheme mentioned above. A notification was accordingly issued in June 1939 prohibiting the new planting of rubber in Mysore.

In order, however, to get the benefit of the provisions of the revised Agreement relating to the transfer to Mysore from British India or another Indian State or *vice versa* of licences to plant rubber, legislation is necessary.

The Bill follows in the main the Indian Rubber Control Act.

BANGALORE,
28th September 1940.

H. V. NARAYANA RAO,
Secretary,
Mysore Representative Assembly.

WD 490—GPB—450—29-9-40

THE ADVOCATE-GENERAL (DESIGNATION) BILL.

WHEREAS it is expedient to change the designation of the Government Advocate in Mysore;

It is hereby enacted as follows:-

Short title and commencement.

1(a) This Act may be called the Advocate-General (Designation) Act, 19

(b) It shall come into force at once.

Change of designation of Government Advocate.

2. For the words "Government Advocate" wherever they occur in any Regulation, Act or other law for the time being in force, or any Rules, Order or Notification made under any such Regulation, Act or other law, the words "Advocate General" shall be substituted.

Statement of Objects and Reasons.

In 1930, the designation of the Mysore Chief Court was changed by Act XII of 1930 to the Mysore High Court. The designation of the Chief Judge was similarly changed to the Chief Justice by that Act.

In keeping with the new designation of the highest Court of the State and for describing more accurately the nature of his duties, it is considered desirable to change the designation of "Government Advocate" to "Advocate General."

This Bill is intended to effectuate this change of designation.

2/12

Advocate general

In pursuance of the powers conferred by sub-section (2) of section 55 of the Government of India Act, 1935, the Governor is hereby pleased to assign the following duties to the Advocate-General for the Province of Madras:—

(i) To advise on legislative measures and rules and by-laws pending before the Provincial Government and on Bills of the Central Government sent to him for opinion;

(ii) to advise Government and Heads of Departments whenever required;

[NOTE 1.—The following Heads of Departments are entitled to seek the advice of the Advocate-General, but Heads of Departments who desire to obtain the opinion of the Advocate-General should address Government in the administrative department concerned and not seek his advice directly:—

(1) Secretaries to Government.
(2) High Court.
(3) The Administrator-General and Official Trustee, Madras
(4) The Inspector-General of Prisons.
(5) The Inspector-General of Registration.
(6) The Registrar-General of Births, Deaths and Marriages.
(7) The Registrar of Joint Stock Companies.
(8) The Director of Public Instruction.
(9) The Secretary, Legislative Council.
(10) The Chief Engineer (General, Roads and Buildings)
(11) The Chief Engineer for Irrigation.
(12) The Chief Engineer for Electricity.
(13) The Commissioner of Labour and Rural Uplift.
(14) The President, Board of Examiners.
(15) The Inspector-General of Police.
(16) The Deputy Inspector-General of Police (Railways and C.I.D.).
(17) The Commissioner of Police.
(18) The Director of Agriculture.
(19) The Director of Veterinary Services.
(20) The Registrar of Co-operative Societies.
(21) The Chief Conservator of Forests.
(22) The Director of Industries.
(23) The Director of Fisheries.
(24) The Surgeon-General
(25) The Director of Public Health.
(26) The Examiner of Local Fund Accounts.
(27) The Accountant-General.
(28) The Presidency Port Officer.
(29) The Right Reverend the Bishop of Madras.
(30) The Presidency Senior Chaplain.
(31) The Ven'ble the Archdeacon
(32) The Board of Revenue.
(33) The Commissioner of Excise.]

[NOTE 2.—If the opinion of the Advocate-General is required by the Military authorities, the case will be referred to him through the Government.]

(iii) in the High Court to conduct and defend all civil suits and proceedings on behalf of or under instructions from the Government on the Original Side and all appeals filed against decrees or orders in such cases;

(iv) in the City Civil Court to conduct and defend all suits and proceedings in which the Government are a party if the Government Solicitor considers his appearance necessary;

[NOTE.—The Advocate-General will not ordinarily be allowed the assistance of a junior counsel; in special cases when this may be necessary, the previous sanction of Government must be obtained.]

(v) in the High Court to appear and conduct sessions cases of importance which may be specially entrusted to him by the Government;

(vi) to appear in the Federal Court in cases to which the Government are a party or to instruct somebody else to appear in that court, if required to do so by the Government;

(vii) in cases of special importance to conduct before the High Court either at the instance of the Government or the Government Solicitor appeals against the decrees of the Madras City Civil Court or against awards by the Chief Judge of Presidency Court of Small Causes in land acquisition cases in which the Government are directly concerned;

(viii) when ordered by the Commissioners inquiring into an election petition under Part III of the Government of India (Provincial Elections Corrupt Practices and Election Petitions) Order, 1936, or under Part VII of the Legislative Assembly Electoral Rules or under Part VII of the Council of State Electoral Rules, to attend and take such part in such inquiry as the Commissioners may direct;

(ix) to prepare detailed instructions for the Legal Adviser to the Provincial Government or the Secretary of State, as the case may be, in the form of statements of law and facts in all appeals to the Privy Council or the Federal Court in cases conducted by him in the High Court on behalf of Government.

(x) in every case conducted by him in civil courts in the Presidency town (namely, all suits and appeals and all applications for leave to appeal to the Privy Council or the Federal Court) to which the Government are a party and in which the decision is adverse to Government, to apply to the Court on the very date of delivery of judgment for a copy of it, and to forward such copy to Government without delay;

(xi) when forwarding a copy of the judgment to Government to inform them of the date before which further action, if any, should be taken;

(xii) to report to Government as soon as possible as to the advisability of appealing against the decision;

(xiii) to intimate to Government the filing of all suits and appeals in the civil courts in the Presidency town and of all applications for leave to appeal to the Privy Council or the Federal Court to which Government are a party, and in which the Advocate-General is concerned to report promptly to Government the decisions, proceedings or orders of the courts in all such suits, appeals or applications with suggestions as to the further action to be taken on behalf of the Government and to intimate to Government, in the case of applications for leave to appeal to the Privy Council or the Federal Court, progress at each stage up to the date of the submission of the records to the Privy Council, when leave to appeal has been granted by the Federal Court or the High Court, and to the Federal Court, when leave for appeal has been granted by the High Court;

(xiv) to give advice to the Government Pleader, the Public Prosecutor and the Crown Prosecutor in the City of Madras in all difficult cases which fall within the purview of their duties as such and on which they may consult him and conversely to call upon them when necessary to assist him in cases appertaining to their duties;

(xv) to transact Government business of all kinds and in all departments, whether such departments are under the Central or any of the Provincial Governments;

(xvi) to assist the High Court, when required by the Hon'ble the Chief Justice, in cases of special importance or difficulty, on occasions of inquiries made by the Court into the conduct of legal practitioners;

(xvii) to take, generally on behalf of Government all such proceedings as may be taken by His Majesty's Attorney-General in England; and

(xviii) to perform such other duties of a legal character, as may be referred or assigned to him by the Governor from time to time.

DUTIES OF LAW OFFICERS.

Government Pleader, Madras.

The Government Pleader, Madras, is regarded as the Assistant to the Advocate-General, especially for mufassal business, and in cases of difficulty may apply to that officer for advice. In turn, he shall assist the Advocate-General whenever in cases appertaining to his duties he is required to do so. His duties are:-

(1)(a) to conduct and defend civil appeals or other proceedings on the Appellate Side of the High Court in which Government are concerned;

(b) to appear, when so instructed, in all suits, appeals or other proceedings of a civil nature instituted in the High Court, the City Civil Court or the Presidency Court of Small Causes, Madras, by or against members of the police force in their official capacity;

(2) to conduct and defend suits in the City Civil Court in which the Government are concerned when the Government Solicitor considers his assistance necessary;

(3) to advise Government, the Board of Revenue and Heads of Departments and District Officers, in cases of difficulty, in regard to the institution, defence and conduct of suits or other civil proceedings in which the Government are concerned or interested instituted before subordinate courts and, in suits of more than ordinary importance, to revise and settle the pleadings, and, when specially deputed by Government, to proceed to the mufassal and conduct such suits or proceedings personally;

(4) to advise the Officer Commanding the Madras District on any points on which his opinion may be sought;

(5) to appear on appeal to the High Court in cases connected with the acquisition of land in Madras City under section 50(1) of the Land Acquisition Act, 1894, on behalf of a local authority or

company. He will be instructed by the Government Solicitor in cases where the latter has appeared before the Court of reference;

(6) to conduct before the High Court appeals against the decrees of the Madras City Civil Court and against awards of the Chief Judge of the Presidency Court of Small Causes ~~of~~ in land acquisition cases in which the Government are directly concerned. In these cases the Government Pleader will be instructed by the Government Solicitor;

(7) to prepare detailed instructions for the Legal Adviser to the Secretary of State in the form of statements of law and facts in all appeals to the Privy Council in cases conducted by him in the High Court on behalf of Government.

(8) To report to Government on the day the judgment is pronounced the decision in every civil suit conducted by him on the appellate side of the High Court.

(9) In every case conducted by him in civil courts in the Presidency town (namely, all suits and appeals and all applications for leave to appeal to the Privy Council) to which the Government are a party and in which the decision is adverse to Government, to apply to the Court on the very date of delivery of judgment for a copy of it and to forward such copy to Government without delay.

(10) When forwarding a copy of the judgment to Government to inform them of the date before which further action, if any, should be taken.

(11) To report to Government as soon as possible as to the advisability of appealing against the decision.

(12) To intimate to Government the filing of all suits and appeals in the civil courts in the Presidency town and of

all applications for leave to appeal to the Privy Council to which Government are a party and to which the Government Pleader is concerned, promptly to report to Government the decision, proceedings or orders of the courts in all such suits, appeals or applications with suggestions as to the further action to be taken on behalf of the Government and to intimate to Government in the case of applications for leave to appeal to the Privy Council, progress at each stage up to the date of submission of the records to the Privy Council when leave to appeal has been granted by the High Court.

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* * *

3(1) The Government Pleader is debarred

(a) from advising or holding briefs against Government in civil suits or proceedings without their special permission, and

3 (b) from giving advice to private parties in cases in which he is likely to be called on to advise Government.

/Note.- He himself will be the judge as to whether he can or cannot under this sub-rule advise on a question of law any private party who applies to him/

(2) He should not accept appointment as a director in any company without the sanction of Government.

PUBLIC PROSECUTOR, Madras

The Public Prosecutor, Madras, is appointed for the Presidency of Madras outside the limits of the City of Madras. He is regarded as the Assistant to the Advocate General, especially for mufassal business and in cases of difficulty may apply to that office for advice. In turn, he shall advise the Advocate General whenever in cases appertaining to his duties he is required to do so.

2. His duties are.-

(1) to appear for the Crown in all cases referred to the High Court for confirmation of a capital sentence when instructed to do so by the High Court or (in cases of appeal by the prisoner) by the District Magistrate;

(2) in other criminal appeals before the High Court, to appear in support of the conviction when directed to do so by Government or by the District Magistrate, or when the High Court desire to hear counsel for the prosecution;

[Note.- The Public Prosecutor should only be instructed by District Magistrates to appear when they are satisfied that his appearance is necessary or when the High Court has directed notice to issue to the Public Prosecutor. In cases of application for bail, he should not ordinarily be instructed to appear].

(3) to present appeals or revision petitions against orders of acquittal or conviction or discharge when directed to do so by the Government;

[Note.- The Government consider it inexpedient that the Public Prosecutor should allow himself to be moved by private party to recommend an appeal against an acquittal.]

(4) -

(4) to appear (a) at the request of District Magistrates in all difficult and important cases referred by them or by Sessions Judges to the High Court under section 438 of the Criminal Procedure Code, (b) in all cases in which the High Court has directed notice to issue to the Public Prosecutor, and (c) in all references under section 307, Criminal Procedure Code;

[NOTE:- The Public Prosecutor should enter appearance without waiting for instructions from District Magistrates in all cases under (b) and (c).]

(5) When specially deputed by Government to proceed to mufassal stations and appear for the Crown in criminal cases.

3. (1) The public Prosecutor is debarred.-

(a) from advising or holding briefs against Government without their special permission in criminal matters except those arising in the City of Madras;

(b) from defending accused persons in criminal prosecutions without the special permission of Government; and

(c) from giving advice to private parties in cases in which he is likely to be called on to advise Government.

[Note.- He himself will be the judge as to whether he can or cannot under this sub-rule advise on a question of law any private party who applies to him.]

(2) He should not accept appointment as a Director in any company, without the sanction of Government.

CROWN PROSECUTOR, Madras

The Crown Prosecutor is Public Prosecutor for the Town of Madras. He is regarded as the Assistant to the Advocate General in all criminal matters or cases arising in the Madras City and in cases of difficulty may apply to that officer for advice. He is bound to assist him whenever required in cases appertaining to his duties. His duties are -

(1) to conduct the prosecution in all cases before the Presidency Magistrates in which the prosecution is instituted or carried on by, or under the orders, or with the sanction of, the Government, the Government Solicitor furnishing him with the necessary brief in every such case;

(2) to conduct, at the request of the Inspector General of Police, the prosecution in cases in the Madras City Police Courts where the prosecuting agency at the disposal of the Inspector General of Police is inadequate or unsuitable;

(3) to conduct prosecution in all cases committed for trial at the Sessions of the High Court;

(4) when directed by Government, to present appeals to the High Court under section 417 of the Code of Criminal Procedure from orders of Presidency Magistrates directing the acquittal, dismissal or discharge of accused persons;

(5) to appear before the High Court in support of the prosecution in appeals preferred by persons convicted by the Presidency Magistrates when the prosecution was conducted by himself as Crown Prosecutor, and when the persons so convicted appeal by counsel and the High Court think it expedient that the conviction should be supported by counsel;

[Note.- Under section 422 of the Code of Criminal Procedure, the Crown Prosecutor has been appointed to be the officer to whom notices of appeal to the High Court from the judgments or orders of Presidency Magistrates shall be given.

Ordinarily -

Ordinarily the Crown Prosecutor should use his discretion in deciding whether he should appear in support of the conviction in each case. If, however, the prosecution has been represented in the lower court by other counsel or has engaged counsel to appear before the High Court in support of the conviction, the orders of Government should be obtained before the Crown Prosedutor appears in appeal].

(6.) If so instructed by the Presidency Magistrate, to appear before the High Court upon the hearing of applications for the transfer to itself of cases from the Courts of Presidency Magistrates;

(7) when so instructed by the Government Solicitor, to appear on behalf of Government in the Courts of Presidency Magistrates at Madras under section 505(2) of the Code of Criminal Procedure in connexion with commissions for the examination of witnesses issued by other courts under Chapter ~~XXXV~~ XL of the Code.

(8) when instructed by the Chief Presidency Magistrate, to move the High Court to revise the decisions or orders of other Presidency Magistrates; and

(9) to appear in every petition or appeal in the High Court on notice sent to him by the High Court or under the orders of Government or of the Commissioner of Police for the City of Madras.

(10) to appear in every application before the Advocate General for the grant of a certificate under clause 26 of the Letters patent .

2. (1) The Crown Prosecutor is debarred

(a) from defending accused persons in cases arising within the City of Madras or tried by the Presidency Magistrates; or from appearing against the Crown on the appellate or revisional side of the High Court against any conviction or sentence by a Presidency Magistrate except with the permission or under the orders of Government; and

(b) from giving advise to private parties in cases in which he is likely to be called on to advise Government. [Note.-

[NOTE.- He himself will be the judge as to whether he can or cannot under this sub-rule advise on a question of law any private party who applies to him.]

(2) He should not accept appointment as a director in any company without the sanction of Government.

GOVERNMENT SOLICITOR Madras

The Government Solicitor is the standing Solicitor of Government, the Advocate-General and the Government Pleader being the standing counsel, and is bound to undertake all the duties of solicitor to client. His chief duties are --

(1) to advise Government and Heads of Departments in matters on which the opinion of the Advocate-General is not required;

(2) to advise the Officer Commanding the Madras district on any point on which his opinion may be sought;

(3) to obtain the Advocate-General's opinion when required; and to prepare the necessary brief before submitting a case to the Advocate-General for such opinion;

(4) to act as the channel of communication between the Advocate-General and Government;

(5) to receive process in civil suits instituted before the Original Side of the High Court and the Madras City Civil Court in which Government are a party;

(6) to instruct the Advocate-General in suits and appeals before the High Court in which he is required to appear on behalf of Government;

(7) to conduct and defend suits before the Presidency Court of Small Causes on behalf of Government;

(8) to conduct and defend suits in the City Civil Court in which the Government are concerned and to instruct the Advocate-General or the Government Pleader in such suits whenever necessary;

(9) to prepare and revise tenders, conveyances, leases, security and indemnity bonds, contracts, etc., for the several departments of Government; to scrutinize applications for permission to register companies with limited liability under the Indian Companies Act, 1913 and, when required, to draw up plaints and written statements in the civil suits in which Government are concerned;

Note.--The Superintending Engineer, Madras Circle, the General Superintendent, Public Works Workshops and Stores Madras, and the Executive Engineers, North Presidency, South Presidency and Chingleput divisions, may address the Government Solicitor direct in respect of matters connected with the preparation and revision of tenders, conveyances, leases, security and indemnity bonds, contracts, etc., or with the drawing up of plaints and written statements.

(10) to conduct inquiries into applications by parties to sue *in forma pauperis*;

(11) to conduct the case on behalf of Government in all inquiries held at the Presidency town under the Indian Merchant Shipping Act;

[Note.--The Presidency Port Officer will instruct the Government Solicitor when Marine Courts of Enquiry are assembled at the Presidency town.]

(12) (1) to call upon parties in the Presidency town to file balance sheets and other documents required under the Indian Companies Act and to prosecute in cases of default;

(2) to appear on behalf of the Registrar and Assistant-Registrars of Joint Stock Companies in cases falling under section 247(6) of the Indian Companies Act, 1913;

(3) to conduct prosecutions under section 21 of the Provident Insurance Societies Act, 1912, and section 34 of the Indian Life Assurance Companies Act, 1912;

(13) to appear in appeals preferred against municipal assessment on Government buildings and in cases preferred to the Court by the Collector of Madras under section 18 of the Land Acquisition Act, 1894;

(14) to advise Government on Bills of the Government of India or Local Government sent to him for his opinion;

(15) to appear before the Presidency Court of Small Causes for the examination of witnesses in that court on commission in Government suits on the file of mufassal civil courts; and

(16) to conduct cases connected with acquisition of land in the City of Madras on behalf of a local authority or company when a reference to court is made.

(17) To report to Government on the day the judgment is pronounced the decision in every civil suit conducted by the Advocate-General on the Appellate Side of the High Court.

(18) To report to Government the result of civil suits conducted by the Advocate-General on the Original Side of the High Court in the City Civil Court and in the Presidency Court of Small Causes.

(19) In every case conducted by him in which the decision in a suit to which the Government are a party is adverse to Government to apply to the court on the very date of delivery of judgment for a copy of it and to forward such copy to Government without delay.

(20) When forwarding a copy of the judgment to Government to inform them of the date before which further action, if any, should be taken.

(21) To report to Government, as soon as possible, as to the advisability of appealing against the decision.

2. The Government Solicitor's duties, in connexion with criminal work, are--

(1) to furnish the Crown Prosecutor with briefs in cases in which he has to appear before the Presidency Magistrates or other courts in the Presidency town:

(2) to advise the Inspector-General of Police, on his application, in important criminal cases arising in the City of Madras. The Government Solicitor may consult the Crown Prosecutor in such cases when he considers it necessary; and

(9

(3) when consulted by heads of departments as to the advisability of criminal prosecutions to examine and review the evidence, to advise that the prosecution be abandoned if there is no case, to lay the papers before counsel if there is doubt in the matter, and finally to instruct counsel if a prosecution be determined on.

3. (1) The Government Solicitor is debarred--

(a) from advising or holding briefs against Government without their special permission;

(b) from defending accused persons in criminal prosecutions; and

(c) from giving advice to private parties in cases in which he is likely to be called on to advise Government.

Note.--He himself will be the judge as to whether he can or cannot under this sub-rule advise on a question of law any private party who applies to him.

(2) He should not accept appointment as a director in any company without the sanction of Government.

Duties common to all Law Officers including Advocate-General.

8. The following duties have been imposed by the Government of India on all Law Officers of Government including the Advocate-General:-

To transact Government business of all kinds and in all departments, whether such departments are under the Supreme or any of the Local Governments; and

to assist the High Court, when required by the Honourable the Chief Justice, in cases of special importance or difficulty, on occasions of inquiries made by the court into the conduct of legal practitioners.

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Duties of Law Officers (continued)

x GOVERNMENT PLEADERS in the mufassal x

The duties of the Government Pleader are to advise Government and their officers whenever required; to conduct all the miscellaneous legal business of the State; to receive processes as agent of the Government in civil suits against the Secretary of State; to appear for Government (unless instructed to the contrary) in all civil cases in which they are interested, whether in the district court or lower courts, including cases in which the Collector appears as Agent to the Court of Wards; to appear, when so instructed, in suits filed by or against public officers; to protect the interests of Government in applications by parties to sue in forma pauperis; to apply for inquiry into lunacy of persons possessed of property in the mufassal; to appear on behalf of the Registrar of Joint Stock Companies when an appeal is preferred against his order under section 20 of the Provident Insurance Societies Act, 1912 (V of 1912), (in which case, the services of the Government Pleader should be obtained by the Registrar through the District Magistrate), and to appear, when directed by the Collector, on behalf of the Examiner of Local Fund Accounts in appeals preferred to courts under rule 61 of Schedule IV to the Madras District Municipalities Act, 1920, ~~or rule VI of the Surcharge and Disallowance Rules framed under section 199(2)(b) of the Madras Local Boards Act, 1920.~~ and on behalf of the Examiner of Local Fund Accounts or the Inspector of Municipal councils and local Boards, in appeals made to courts under rule VI of the rules regarding audit, surcharge and disallowance issued under section 199 of the Madras Local Boards Act, 1920.

3. The Government Pleader shall not appear in any suit or appeal against the Government or the Court of Wards, or the Collector until he has ascertained from the Collector that his services as pleader on behalf of Government, or the Court of Wards, or the Collector are not required. When the Government Pleader has thus appeared against the Government, or the Court of Wards, or the Collector in an original suit, he may similarly appear in any connected appeal until the suit is finally decided. The Government Pleader is debarred from giving advice to private parties in cases

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in cases in which he is likely to be called on to advise Government.

[Note.--He himself will be the judge as to whether he can or cannot, under this rule, advise on a question of law any private party who applies to him.]

In exceptional cases the Government Pleader will be allowed the assistance of a junior by Government on the Collector's recommendation.

4. District Government Pleaders are not entitled to communicate with the Advocate-General on public litigation.

Public Prosecutors in the mufassal

5. The duties of the Public Prosecutor are to conduct the prosecution in every trial before the Court of Session, and in other cases of such importance as to require professional aid; to receive notices of appeal to Sessions Court; to appear in appeals against convictions by first-class Magistrates; and generally to appear whenever so required by the District Magistrate.

5-A. The Public Prosecutor shall conduct the case on behalf of Government in all enquiries held in the mufassal under the Merchant Shipping Act. The Presidency Port Officer will instruct the Public Prosecutor when marine courts of enquiry are assembled at mufassal stations.

6. A Public Prosecutor is not permitted to undertake the defence of any person in a criminal trial without first ascertaining whether the District Magistrate requires him to prosecute the case. Nor should he appear to support an appeal against a conviction in a case prosecuted by the Police without the permission of the District Magistrate or to oppose an appeal in any case in which he has acted as the appellant's pleader in the lower court.

Public Prosecutors are not permitted to accept any engagement or fee from private parties in cases in which they appear on behalf of Government.

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In all ~~ex~~ grave cases in Magisterial Courts and in important sessions cases the Public Prosecutor should consult the District Magistrate before withdrawing from the prosecution of an accused. The Public Prosecutor is debarred from giving advice to private parties in cases in which he is likely to be called on to advise Government.

[Note.--He himself will be the judge as to whether he can or cannot, under this rule, advise on a question of law any private party who applies to him.]

G. R. S. VI.—s-III/14]

DRAFT.

SUBJECT.....

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Section. Legn.
File No. 39-40
Serial No. /

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,
( )
, the.....*191* .

Date of issue.....

Signed by.....

Proceedings of the Government of H. H. the Maharaja of Mysore.

Order No. D 2019

Ordered that the accompanying.....
Advocate-General (Designation) Act
.....
.....

which received the assent of His Highness the Maharaja, on the twenty-seventh day of January 1941, be published as ~~Regulation~~ Act No. IV of 1941, in the *Mysore Gazette* for general information.

31/2/41.
Secretary to Government.
Law department

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of Spare copies as per standing orders .....spare copies in English, and .....spare copies in Kannada to this office, and.....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs should be sent to this office for approval before publication. 4 charges

Copy to Advocate-General

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Order No. P. 4019/Legis 39-40-1

Bangalore, dated the 4th February 1941.

Ordered that the accompanying Advocate-General (Designation) Act, which received the assent of His Highness the Maharaja, on the twenty seventh day of January 1941, be published as Act No. IV of 1941, in the Mysore Gazette for general information.

4/2/41.

For Secretary to Government
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies as per standing orders. Four clean proofs should be sent to this office for approval before publication.